

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Wayne A. HENDRICKSON and Barry HONIG  
Serial No.: 09/235,986 Examiner: M. Allen  
Filed : January 22, 1999 Group Art Unit: 1631  
For : PROCESS FOR PAN-GENOMIC DETERMINATION OF  
MACROMOLECULAR ATOMIC STRUCTURES

1185 Avenue of the Americas  
New York, New York 10036  
July 25, 2003

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

SIR:

DECLARATION UNDER 37 C.F.R. § 1.132 OF PAUL TENG

I, Paul Teng, hereby declare that:

1. I am a member of the firm of Cooper & Dunham LLP, 1185 Avenue of the Americas, New York, New York 10036.
2. On February 20, 2002, I spoke by telephone with Mr. Daniel Hogan. On information and belief, at the time of the telephone conference Mr. Hogan was the Web Site Manager of the National Institute of General Medical Science (hereinafter "NIGMS") and was responsible for maintaining the web pages of the NIGMS.
3. I stated to Mr. Hogan that a document entitled "NIGMS Protein Structure Meeting Summary April 24, 1998" (hereinafter "NIGMS Meeting Summary") appears to be posted on the NIGMS web page at the web address [http://www.nigms.nih.gov/news/reports/protein\\_structure.html](http://www.nigms.nih.gov/news/reports/protein_structure.html), and asked him when the document was first posted on the NIGMS


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web pages.

4. Mr. Hogan told me that he would investigate and let me know his findings.
5. Attached hereto as **Exhibit 1** is a computer printout of an electronic mail message I received (hereinafter "the e-mail message") after my telephone conference with Mr. Hogan. The e-mail message states that it is from Daniel Hogan, and two electronic files are attached thereto.
6. Attached hereto as **Exhibit 2** is a computer printout of one file, named "protein\_structure.html", attached to the e-mail message.
7. Attached hereto as **Exhibit 3** is a computer printout of the other file, named "protein\_structure.html.bak", attached to the e-mail message.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: July 25, 2003

  
Paul Teng